

Klein.

2. I have personal knowledge of the following facts and, if called upon as a witness, could and would competently testify thereto, except as to those matters which are explicitly set forth as based upon my information and belief and, as to such matters, I am informed and believe that they are true and correct.
3. On February 5, 2018, my office informed counsel for Defendant that Plaintiff had passed away that we needed some time to get in contact with her next of kin and discuss this case with them. My office also explained that the case is still live Attached hereto is a true and correct copy of this correspondence titled "Exhibit A."
4. Counsel for Defendant responded that they are not sure how counsel for Plaintiff can proceed with litigation without a plaintiff, and what counsel for Plaintiff plans in this regard. Attached hereto is a true and correct copy of this correspondence titled "Exhibit B." My office responded that the death of Plaintiff does not extinguish her claims and that an heir is adequate to act as a class representative. Attached hereto is a true and correct copy of this correspondence titled "Exhibit C." My office also explained that we have to not only find the heir, finish the execution of the will, make sure all the documentation is completed for the claim to vest. Attached hereto is a true and correct copy of this correspondence titled "Exhibit D."
5. Counsel for Defendant also explained its position that 90 days since plaintiff's death was reported to the court, a successor has not been substituted in this case, and the matter should be dismissed pursuant to FRCP 25(a) and/or 41(b). Attached hereto is a true and correct copy of this correspondence titled "Exhibit E." My office informed counsel for Defendant that the 90 day period has not begun to toll because the time

is triggered upon the filing of a formal suggestion of death, which was not filed by the Court. Attached hereto is a true and correct copy of this correspondence titled “Exhibit F.” My office also informed Defendant’s counsel that we will file the motion shortly. Counsel for Defendant reproached my office for not filing the Motion and did not make any mention that my office would not be complying with the Local Rules. Attached hereto is a true and correct copy of this correspondence titled “Exhibit G.”

6. Attached hereto is a true and correct copy of Plaintiff’s death certificate and Douglas Kramer’s Preference Beneficiary’s Affidavit titled “Exhibit H.”.

I declare under penalty of perjury under the laws of California and the United States that the foregoing is true and correct, and that this declaration was executed on June 26, 2018.

s/Todd M. Friedman

Todd M. Friedman, Esq. (*admitted pro hac vice*)

CERTIFICATE OF SERVICE

Filed electronically on this June 26, 2018, with:

United States District Court CM/ECF system

Notification sent electronically on this June 26, 2018, to:

The Honorable Court, All Parties, and Their Counsel of Record.

s/ Adrian R. Bacon

Adrian R. Bacon, Esq